

DICKINSON TOWNSHIP ZONING HEARING BOARD

**219 Mountain View Road
Mt. Holly Springs, PA 17065**

DECISION

Docket No. 20250001, Abigail Sweger

I. PROCEDURAL BACKGROUND

Abigail Sweger (the “Applicant”) filed an application for a zoning variance with respect to real estate located at 2668 Ritner Highway, Dickinson Township, Cumberland County, Pennsylvania (the “Property”). The Zoning Hearing Board of Dickinson Township (the “Board”) conducted a hearing on the Application on February 26, 2025. At the conclusion of the hearing, the Board voted 3-0 to grant the requested variance relief and this written decision is in support of the action of the Board.

II. DISCUSSION AND FINDINGS OF FACT

The Application requested a variance from Section 205-14K of the Dickinson Township Zoning Code which requires a 50-foot side yard setback (the “Ordinance”). The Applicant seeks to maintain a utility building that currently exists within the setback on the Property.

Abigail Sweger submitted a narrative with the Application and at the hearing testified and indicated as follows:

- The Property is used by the Applicant for agricultural purposes.
- The requested relief is relief from the 50-foot side yard setback requirement near the property line separating the Applicant’s Property and the property at 35 Stonehouse Road belonging to Michael Bowers.
- The Applicant used a contractor and built a 24 x 40 foot (960 sq. ft.) utility building within the 50-foot side yard setback.
- The Applicant and contractor erroneously believed that the side yard setback requirement was 20 feet and utilized this boundary in locating the utility building.
- The utility building at issue is critical for the needs of the Property, and holds hay, tractors, and other equipment necessary for the agricultural use of the Property.
- The Applicant cannot locate the utility building in another area on the Property due to stormwater runoff constraints, and water flow.
- Attempting to relocate the utility building would interfere with the Applicant’s ability to farm the Property.
- The existing building is necessary for the use of the Property.
- The closest residence to the utility building is 730 feet.

- The utility building cannot be seen from Route 11.
- Mr. Bowers and Madonna and Timothy Long, who also own property adjacent to the Property at issue, have provided written statements indicating that they do not object to the requested variance.

Michael Bowers, the owner of the adjacent Property located at 35 Stonehouse Road provided the Applicant with a written statement to support her Application and at the hearing testified and indicated as follows:

- He knows of the structure and is aware it was built within the setback.
- He does not object to the variance or the current location of the structure.

Patrick Bowers, the owner of another adjacent property, then testified and indicated as follows:

- He does not object to the variance.

III. CONCLUSIONS OF LAW

The Board hereby makes the following Conclusions of Law:

1. The proposed variance will not alter the essential character of the neighborhood.
2. The proposed variance will result in a use that is consistent with the current use of the Property and will permit the Applicant to continue her farming operations in a manner that makes the best use of the land.
3. The stormwater and water flow constraints prohibit the ability to develop the Property in strict conformance with the Zoning Ordinance and maintain its agricultural use.
4. The stormwater and water flow constraints create a unique condition of the Property that poses an unnecessary hardship to the Applicant.
5. The Applicant did not create the unique condition of the land or unnecessary hardship.
6. The proposed variance represents the minimum variance that is necessary to afford relief and represents the least modification possible of the Ordinance in question.

IV. DECISION

It is the decision of the Zoning Hearing Board of Dickinson Township that the Applicant is granted a setback variance in order to leave the existing utility building on the Property as it currently exists within the side yard setback.

DICKINSON TOWNSHIP ZONING
HEARING BOARD:

Date: 3-26-25

By: 
Paul Strizzi, Chairman

**ANY PERSON AGGRIEVED BY THE DECISION OF THE ZONING HEARING
BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS. THE APPEAL MUST
BE FILED WITHIN 30 DAYS FROM THE DATE OS THIS DECISION.**